IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 22483 of 2007(B)

PETITIONER:

K.RAJENDRAN,
JUNIOR SUPERINTENDENT,
PUTHUPARIYARAM GRAMA PANCHAYATH,
PALAKKAD TALUK, PALAKKAD.

BY ADV. SRI.S.RAMESH BABU

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY ITS LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PANCHAYATH, TRIVANDRUM.

3. THE DEPUTY DIRECTOR OF PANCHAYATH, PALAKKAD.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

W.P.(C) NO.22483/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE CERTIFICATE EVIDENCE IN THE ACQUISITION OF THE DEPARTMENTAL TEST QUALIFICATIONS.

EXT.P2:- COPY OF THE ORDER NO.EA-44/07 DT. 14.12.01.

EXT.P3:- COPY OF THE REPRESENTATION DT. 22.6.07.

EXT.P4:- COPY OF THE LETTER DT. 27.6.07.

EXT.P5:- COPY OF THE ORDER DT. 8.3.07.

/TRUE COPY/

P.A. TO JUDGE

tss

V.GIRI,J.

W.P.(C) No. 22483 of 2007

Dated this the 19th day of September, 2007

JUDGMENT

The petitioner, who is working as a Junior Superintendent in the Puthupariyaram Grama Panchayat, claims that he has passed Minority Language Test in Tamil in the year 1985. As per Government Order dated 3.10.1962, officers possessing requisite test qualification will be considered for promotion to higher cadres on linguistic minority basis. The orders stated to be in terms of Rule 9(d) of Part II of KS&SSR enables the Government to do so. By Ext.P2 order, promotion to the post of Secretary of the Grama Panchayat was ordered by the Director of Panchayats, taking note of the fact that the post of a Secretary of the Grama Panchayat is declared as one to which appointment could be made invoking Rule 9(d). By Ext.P2 order the Director of Panchayats, apparently identifies the post of a Secretary, Grama Panchayat as one to which persons could be posted on linguistic minority basis. The petitioner has submitted Ext.P3 representation before the Director of Panchayats seeking invocation of Rule 9(d) of Part II of the KS&SSR for the purpose of promotion to the post of Secretary, Special Grade Grama Panchayat. According to the petitioner, the request contained in Ext.P3 has been forwarded to the Director as per Ext.P4.

2. The question as to whether promotion to the post can be made

invoking Rule 9(d) is essentially a decision which has to be taken by the Government. In view of the fact that Ext.P3 has been forwarded to the Director as per Ext.P4, the Director may obtain appropriate instructions in this regard from the Government. The Director shall take a decision thereon, within a period of two months from the date of receipt of a copy of this judgment. The Director may refer to Ext.P5 also in this regard and shall verify whether the Government has already issued any orders directing promotion to the post of Secretary, Special Grade Grama Panchayat to be effected invoking Rule 9(d) of Part II of the KS&SSR.

The writ petition is disposed of as above.

V.GIRI, JUDGE

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